

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKSALIM INFA

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

THE STATE OF NEW YORK,
DOCCS, FISHKILL CORRECTIONAL
FACILITY, OFFICER HERRING,
SERGEANT NETTO, OFFICER
JOHN DOE

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name

SALIM INFA

ID #

16A4833

Current Institution

WATERTOWN C.F.

Address

23147 SWAN ROAD, WATERTOWN,
NY 13601

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name

THE STATE OF NEW YORK

Shield #

N/A

Where Currently Employed

N/A

Address

THE CAPITOL, ALBANY, NY 12224

Defendant No. 2

Name D.O.C.C.S Shield # N/A
 Where Currently Employed N/A
 Address THE HARRIMAN STATE CAMPUS, 1220
WASHINGTON AVENUE, ALBANY, NY 12226

Defendant No. 3

Name FISHKILL CORRECTIONAL FACILITY Shield # N/A
 Where Currently Employed D.O.C.C.S
 Address BOX 1245, BEACON, NY 12508

Defendant No. 4

Name OFFICER HERRING (MALE) Shield # UNKNOWN
 Where Currently Employed FISHKILL C.F
 Address BOX 1245, BEACON, NY 12508

Defendant No. 5

Name OFFICER JOHN DOE (MALE) Shield # UNKNOWN
 Where Currently Employed FISHKILL C.F
 Address BOX 1245, BEACON, NY 12508

(SEE EXHIBIT A)

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

FISHKILL C.F

B. Where in the institution did the events giving rise to your claim(s) occur?

S.H.U.P., IN THE FRISK ROOM

C. What date and approximate time did the events giving rise to your claim(s) occur?

APRIL 3RD, 2018 AROUND 9:15 AM

D. Facts: On April 3rd 2018 around 9:15 PM while I was being processed to go on a court trip a strip search was performed by Officer Herring supervised by Sergeant Netter aka Officer John Doe. During the search which occurred in S.H.U. fish room I was ordered by Officer Herring to strip me off my underwear, knowing that the room is equipped with video surveillance I hesitated to do so but Sergeant Netter ordered me to comply, which I did. I was then ordered to turn around and lift my penis and testicles then turn back around and spread my buttocks cheeks at the same time. I complied every time, got dressed and went to court. The whole incident was recorded on camera.

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. After this incident I started suffering from PTSD - like trauma, anxiety attacks and depression. These issues being the result of my privacy being violated, of me feeling like I am less than a man because my naked body is on video somewhere in Fish Hill. My mental health is in jeopardy.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☒ No ☐

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

FISHKILL C.F.

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☒ No ☐ Do Not Know ☐

If YES, which claim(s)?

Illegal search procedure

D. Did you file a grievance in the jail, prison, other correctional Facility where your claim(s) arose?

Yes ☒ No ☐

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☐

E. If you did file a grievance, about the events described in the complaint, where did you file the grievance?

Fishkill C.F. Inmate Grievance Resolution Committee

1. Which claim(s) in this complaint did you grieve? Illegal search

procedure (strip-search in a video-surveillance equipped room)

2. What was the result, if any? I was told that the grievance was worthless because I was now in another jail.

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. See Exhibit B.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: _____

2. If you did not file a grievance but informed any officials of your claim, state whom you informed, when and how, and their response, if any: _____
- _____
- _____
- _____

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. _____
- _____
- _____
- _____
- _____

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

I would like the Court to order the Huttophies of Fishkill Co. to delete any record of that place and would like a monetary compensation of the amount of \$1,000.00 so I can see professional help (medical and spiritual) upon my release.

VI. Previous lawsuits:

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes _____ No X

On
these
claims

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?
Yes ☒ No _____

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff Ben Hammad Ramzi A.K.A SALIM INFA

Defendants The City of New York, D.O.C., Officer Morris, Officer

2. Court (if federal court, name the district; if state court, name the county) United States District Court of the Eastern District of N.Y.

3. Docket or Index number 16-CV-54190 (MKB) (LB)

4. Name of Judge assigned to your case George K. Brodie (District Judge)

5. Approximate date of filing lawsuit September 2016

6. Is the case still pending? Yes ☒ No _____

If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

See Exhibit C

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 27 day of October, 2018.

Signature of Plaintiff

Inmate Number

Institution Address

16A4833

Watertown C.F.

P.O. Box 168

Watertown

NY 13601

~~Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.~~

I declare under penalty of perjury that on this 27 day of October, 2018, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

EXHIBIT A

I. Parties in this complaint

B. Defendant No. 6:

Name: Sergeant Netto (Male)

Shield #: Unknown

Where currently employed: Fishkill C.F.

Address: Box 1245, Beacon, NY 12508

EXHIBIT B

IV. Exhaustion of Administrative Remedies:

E. 3. When I wrote Fishkill C.F.'s IGRC they answered me by saying that my grievance is irrelevant because I am supposed to file the grievance in the facility where I am incarcerated and not the facility where the incident happened. I am currently incarcerated at Watertown C.F. and there is a known fact among inmates that whoever files a grievance especially one against an officer or sergeant is going to be victim of retaliation and intimidation. If the Court bother to check with the State Attorney General there is an enormous amount against the authorities of Watertown C.F. related to physical abuse, planted contraband, etc. This is the reason why I chose to not grieve the incident at my current facility because I don't want to be the next guy being set-up by the authorities of Watertown C.F. for filing a grievance. I am already known among officers as the

STATE OF NEW YORK - DEPARTMENT OF CORRECTIONAL SERVICES

FORM 2131E (REV. 6/06)

INMATE GRIEVANCE COMPLAINT

Grievance No. Fishkill

CORRECTIONAL FACILITY

Date 4-5-18Name SALIM INFADept.No. 16A4833Housing Unit P-15Program /AM /

PM

(Please Print or Type - This form must be filed within 21 calendar days of Grievance Incident)*

Description of Problem: (Please make as brief as possible)

On April 3rd 2018 while being processed to go on a court trip a strip frisk was performed by C.O. Herring under the supervision of Sergeant Netto in the search room of Beech Unit P. The search room is equipped with two cameras and I shouldn't have been naked during the search. This is a clear violation of my rights.

Grievant
Signature

Grievance Clerk

Date:

Advisor Requested

☐ YES☒ NO

Who:

Action requested by inmate:

There is nothing that can fix the issue since the incident already happened. I am just exhausting my administrative remedies.

This Grievance has been informally resolved as follows:

This Informal Resolution is accepted:

(To be completed only if resolved prior to hearing)

Grievant
Signature

Date:

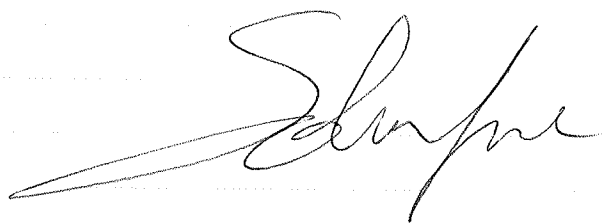
If unresolved, you are entitled to a hearing by the Inmate Grievance Resolution Committee (IGRC).

An exception to the time limit may be requested under Directive #4040, section 701.6(g).

4-11-18

To whom it may concern,
I wrote this grievance while housed in Fishkill
but didn't submit it right away because I
knew that I was getting transferred the
next week. My new location is Watertown C.F.
(P.O. Box 168, Watertown, NY 13601-0168)
please forward your response to my new
location.

Respectfully submitted,
Salim Infa DIN # 16A4833



TO: SALIH, I, # 16A4833
 FROM: IGRC, FRANKS, CF

(a) *Filing the complaint.*

(1) *Time limit for filing.* An inmate must submit a complaint to the clerk within 21 calendar days of an alleged occurrence on an Inmate Grievance Complaint Form (Form #2131). If this form is not readily available, a complaint may be submitted on plain paper. The complaint may only be filed at the facility where the inmate is housed even if it pertains to another facility.

Note: Exceptions to this time limit or any appeal time limits may be approved by the IGP supervisor under Section 701.6(g), below.

(2) *Contents.* In addition to the grievant's name, Department Identification Number (DIN), housing unit, program assignment, etc., the grievance should contain a concise, specific description of the problem and the action requested and indicate what actions the grievant has taken to resolve the complaint (e.g., specific persons/areas contacted and responses received). The IGP supervisor shall review the grievance complaint and designate the grievance code and title. If the IGP supervisor determines that the grievance may be a harassment, discrimination, or strip frisk/strip search grievance, it shall be processed in accordance with the respective expedited procedure (Section 701.8, .9, or .10, below). The clerk shall consecutively number and log each grievance at the time of receipt.

(3) *Like grievances.* "Like grievances" may be consolidated at the option of the IGP supervisor or IGRC and assigned one grievance calendar number. The first complaint received will be given the next sequential grievance number in the clerk's log (Form #2136). The grievants shall select three or four spokespersons from their number to be grievants of record and to represent them at the hearing and to ensure expeditious processing of the cases. Any like complaint submitted at this time or during processing may be addressed under the same grievance calendar number. A list of the names of every inmate who submitted a complaint on the issue shall be included with the grievance materials and submitted with any appeal which may result. Every effort will be made to notify all of the grievants of the response at each level to which the grievance is appealed either by written response, posting on inmate bulletin boards, or radio announcement. Not every complainant may receive an individual written response, but the three or four grievants of record will. If none of the grievants of record appeal to the next level, any inmate who submitted a complaint may continue the appeal. Any inmate on the list of those submitting the complaint will be given the number of the grievance of record to submit to the court in order to verify exhaustion of the IGP.

(b) *First Step, IGRC*

(1) *Informal resolution.* The representatives of the IGRC shall have up to 16 calendar days after a grievance is filed to resolve it informally. If the matter is resolved to the satisfaction of the grievant, the resolution and the grievant's consent must be entered on the Inmate Grievance Complaint Form.

(2) *IGRC hearing.*

(i) If there is no resolution, the full committee shall conduct a hearing to answer the grievance or make a recommendation to the Superintendent.

EXHIBIT C

VI. Previous lawsuits

- D. 1. Plaintiff: SALIM INFA
Defendants: SERGEANT PATNODE
2. United States District Court of the Northern District of New York
3. 9:18-CV-57 (MAD) (ATB)
4. MAE A. D'AGOSTINO (District judge)
5. 1/16/2018
6. Yes

NEW YORK STATE
CORRECTIONAL FACILITY

NEW YORK STATE

WATERTOWN CORRECTIONAL FACILITY
P.O. BOX 168
WATERTOWN, NEW YORK 13601-0168

NAME: SALIM INFA DIN: 16A4833

LEGAL MAIL

Correctional Facility

NEOPOST
10/29/2018

US POSTAGE \$



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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DANIEL PATRICK MOYNIHAN UNITED STATES COURT
PRO SE OFFICE
500 PEARL STREET, ROOM 230
NEW YORK, NY 10007